

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROSENBAUM CAPITAL LLC, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

BOSTON COMMUNICATIONS GROUP,
INC., KAREN A WALKER and EDWARD
Y. SNOWDEN,

Defendants.

CIVIL ACTION NO. 05-11165 (WGY)

**JOINT STATEMENT AND PROPOSED PRETRIAL
SCHEDULING ORDER PURSUANT TO LOCAL RULE 16.1**

In accordance with the provisions of Local Rule 16.1(B) and the Court's Order of August 20, 2006, counsel hereby submit this Joint Statement and Proposed Pretrial Scheduling Order Pursuant to Local Rule 16.1(D).

I. STATUS OF RESPONSIVE PLEADINGS

Plaintiff filed its Amended Class Action Complaint on October 12, 2005. Defendants filed a Motion to Dismiss on December 2, 2005. On August 20, 2006, the Court issued an Order denying Defendants' Motion to Dismiss. Accordingly, pursuant to a stipulation executed by the parties, and endorsed by the Court, Defendants will file and serve an Answer to the Amended Complaint on October 6, 2006.

II. SETTLEMENT (L.R. 16.1(C))

Plaintiff has notified Defendants that they do not at this time, before substantive discovery has taken place, have the information necessary to serve a precise written demand

pursuant to L.R. 16.1(C). Plaintiff will make its written demand as soon as practicable following review of relevant documentation uncovered during discovery.

III. PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

The parties propose the following briefing schedule for motion for class certification:

A. Plaintiff's Position

1. Plaintiff will file and serve its motion for class certification on or before October 4, 2006.

2. Class certification discovery, which may commence immediately, shall conclude by November 20, 2006.

3. Defendants will file and serve their opposition to class certification on or before December 15, 2006.

4. Plaintiff will file and serve a reply brief in support of its motion for class certification on or before January 19, 2007.

5. Plaintiff requests oral argument concerning Plaintiff's motion for class certification during February, 2007.

B. Defendants' Position

1. Defendants agree with Plaintiff's position, except that they seek to have Plaintiff file and serve its reply brief in support of its motion for class certification on or before December 29, 2006.

IV. DISCOVERY AND PRE-TRIAL DEADLINES

The parties propose the following schedule for discovery and pre-trial deadlines:

A. Plaintiff's Position

1. Rule 26(a) Initial disclosures. The parties shall exchange automatic disclosures, required pursuant to Federal Rule of Civil Procedure 26(a)(1), on October 20, 2006.

2. Fact discovery may commence immediately. All documents maintained in electronic format shall be produced in native format. All fact discovery shall be completed by February 2, 2007.¹

3. Expert Discovery. Plaintiff's identification of experts and expert reports are due on February 2, 2007. Defendants' identification of rebuttal experts and expert reports are due on February 16, 2007. All depositions of expert witnesses will be completed by March 2, 2007.

4. Dispositive Motions. Dispositive motions, if any, shall be made by March 30, 2007. Oppositions to any such motions are due by April 27, 2007. Replies in support of any dispositive motions are due by May 21, 2007.

5. The parties are to meet and confer concerning the preparation of a pretrial memorandum by May 29, 2007. The pretrial memorandum and trial briefs are due by June 8, 2007. The final pretrial conference will be held on June 13, 2007.

6. Trial. Trial is scheduled on or after July 16, 2007.

B. Defendants' Position

1. Defendants agree with Plaintiff's position, except that they proposed that fact discovery shall commence on December 15, 2006.

V. CONSENT TO TRIAL BY MAGISTRATE JUDGE

At this time, none of the parties is prepared to consent to trial by a Magistrate Judge.

¹ Plaintiff requests a total of four months to complete fact discovery and would seek to adjust other dates should Defendants' position be adopted.

VI. CONSENT TO ALTERNATIVE DISPUTE RESOLUTION

The parties are amenable to mediation upon the close of discovery.

VII. MODIFICATION OF THE SCHEDULE

All dates set forth herein, except those mandated by the Court, may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court.

VIII. CERTIFICATIONS

The parties, through their undersigned counsel, certify that each party and that party's counsel have conferred: (a) with a view to establishing a budget for the costs of conducting the full-course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: September 28, 2006

Respectfully Submitted,

ROSENBAUM CAPITAL LLC, On Behalf of
Itself and All Others Similarly Situated

By their attorneys,

/s/ David Pastor
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Respectfully Submitted,

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